

Appl. No.: 10/631,322
Amendment dated January 3, 2006
Reply to Office Action of October 3, 2005

REMARKS/ARGUMENTS

Reexamination and reconsideration of this Application, withdrawal of the rejections, and formal notification of the allowability of all claims as now presented are earnestly solicited in light of the above claim amendments and remarks that follow.

Claims 1 and 15 have been amended to clarify the claim language therein. Claim 1 is amended by including the word "at" in front of the word "least" in lines 17-19, replacing the word "extends" with the word "extending" in line 10, and inserting the word "a" in front of the word "channel" in line 13. Claim 15 has been amended to replace the word "haves" with the word "halves". Support for the amendments can be found throughout the claims and specification as previously filed. Applicant submits no new matter has been added by the present amendments. Claims 1-20 are pending in the present application.

Claim 1 stands objected to because of the absence of the word "at" in front of the word "least" in lines 17-19. In light of the present amendments described above, Applicant respectfully submits the objection is obviated, and Applicant respectfully requests reconsideration and withdrawal of the objection.

Claim 15 stands rejected under 35 U.S.C. §112, second paragraph, for being indefinite in relation to the phrase "two substantially symmetrical halves". As noted above, claim 15 has been amended to replace the word "haves" with the word "halves". Accordingly, Applicant respectfully submits the rejection is obviated, and Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 1-20 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,629,728. Applicant encloses herewith a terminal disclaimer according to 37 CFR §1.321(c), and Applicant respectfully submits that such terminal disclaimer obviates the rejection. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 1-4 and 6-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Published U.S. Patent Application No. 2003/0025363. Applicant traverses the rejection and respectfully submits the rejection is improper as the cited document is not available as a reference under 35 U.S.C. §102(e).

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U.S. 2003/0025363 published February 6, 2003 from an application filed August 1, 2001, which is the earliest date accorded the publication for use as a reference under §102(e). The present application is a continuation of U.S. Patent Application No. 09/920,476 (now U.S. Patent No. 6,629,728), filed August 1, 2001, which claims foreign priority under 35 U.S.C. §119 to Italian Patent Application No. VI2000A000176, filed August 8, 2000. This priority date claimed under §119 was properly noted in the first paragraph of the specification of the present application, and such priority is noted in the Updated Filing Receipt dated August 16, 2005. Accordingly, Applicant respectfully submits the 2003/0025363 Publication is not available as a reference under §102(e) as the present application has properly claimed priority to an application filed prior to the earliest prior art reference date of the 2003/0025363 Publication. Therefore, Applicant respectfully requests reconsideration and withdrawal of the present rejection.

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 594,451 and U.S. Patent No. 613,927. While the Office does not so state, it seems apparent from the arguments made by the Office that the present rejection is based on the 2003/0025363 Publication, the '451 patent and the '927 patent being cited only as secondary references. As noted above, the 2003/0025363 Publication is not available as a reference against the present application. As the Office has only cited the remaining references as secondary references, Applicant respectfully submits the rejection is not properly supported. Therefore, Applicant respectfully requests reconsideration and withdrawal of the present rejection.

Applicant respectfully submits that all claims, as now submitted, are in condition for immediate allowance. Accordingly, a Notice of Allowance is respectfully requested in due course. If any minor formalities need to be addressed, the Examiner is directed to contact the undersigned attorney by telephone to facilitate prosecution of this case.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

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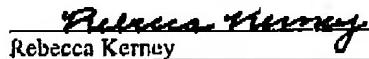
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CERTIFICATION OF FACSIMILE TRANSMISSION

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Rebecca Kerney

1/3/06
Date

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